

REMARKS

Claims 15-32 are pending herein with Claims 15, 28, and 32 being independent claims. Claims 1-14 have been withdrawn from consideration. All claims stand rejected.

35 U.S.C. § 102:

Claims 15, 26-28, 31, and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,045,851 to Cross. Cross was described as showing a preconditioner, an extruder, a first dryer, a first cyclone separator, a second cyclone separator, a conveyor assembly, and a sprayer mechanism. The extruder was described as including a cutter for cutting the cooked extrudate as it emerges from the extruder.

In response to the last office action, the Applicant pointed out that the comminuting device is separate and apart from the extruder and, in fact, the extruder 460 includes its own cutter 480. In further response, the Examiner stressed that the claims do not recite a structural relationship between the comminuting device and the extruder. The Applicant thus has amended each of the independent claims to specify that the comminuting device (Claim 15), the means for cutting (Claim 28), and the chopping station (32), are separate devices as compared to the extruder. The amended claims clearly distinguish a cutting device attached to an extruder to chop the wet extrudate from the devices claimed herein that reduce the loaves to crumbs. The Applicant thus submits that the claims are patentable over the cited reference.

35 U.S.C. § 103:

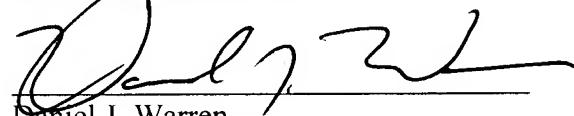
Claims 19, 21, 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross. The Applicant respectfully traverses the rejection for the reasons described above.

Claims 16, 17, 18-20, 24, 25, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross in view of Stevens, et al. The Applicant respectfully traverses the rejection for the reasons described above.

CONCLUSION

The Applicant believes that it has responded in each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8028.

Respectfully submitted,



Daniel J. Warren
Reg. No. 34,272

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8000
(404) 853-8806 (Facsimile)
daniel.warren@sablaw.com

SAB Docket: 76385.0015